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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DONALD GEORGE FLETCHER,

11 Petitioner,

Case No. 2:03-cv-00366 ALA (HC)

12 vs.

13 SCOTT P. RAWERS, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner filed his application for a writ of habeas corpus with this Court on February 13,
17 2003, while he was incarcerated at Avenal State Prison, in Avenal, California. While his petition
18 before this Court was pending, Fletcher was paroled. *See Amended Petition* at 1. Respondent
19 asserts that Petitioner is “lawfully confined by Respondent.” *Amended Answer* at 1.

20 The parties are directed to file, on or before June 13, 2008, simultaneous briefs consisting
21 of no more than 7 pages, discussing the following issue:

22 What is the applicability, if any, of *Spencer v. Kemna*, 523 U.S. 1 (1998), and *Zegarra-*
23 *Gomez v. INS*, 314 F.3d 1124, 1126 (9th Cir. 2003), to the question whether Petitioner’s
24 application is moot?

25 DATED: May 30, 2008

26 /s/ Arthur Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation